

House File 606 - Introduced

HOUSE FILE 606
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 382)

A BILL FOR

1 An Act relating to license revocation periods for persons under
2 the age of twenty-one and Iowa's operating-while-intoxicated
3 law.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.2, subsection 8, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* A license revocation that occurs under
4 section 321J.2A shall not be used for purposes of extending the
5 license revocation period pursuant to section 321J.12 for a
6 second or subsequent offense that occurs under this section.

7 Sec. 2. Section 321J.2A, Code 2011, is amended to read as
8 follows:

9 **321J.2A Persons under the age of twenty-one — license**
10 **revocation.**

11 1. a. A person who is under the age of twenty-one shall not
12 operate a motor vehicle while having an alcohol concentration,
13 as defined under section 321J.1, of .02 or more. The driver's
14 license or nonresident operating privilege of a person who is
15 under the age of twenty-one and who operates a motor vehicle
16 while having an alcohol concentration of .02 or more shall be
17 revoked by the department for the period of time specified
18 under section 321J.12.

19 b. A license revocation that occurs under this section shall
20 not be used for purposes of extending the license revocation
21 period pursuant to section 321J.12 for a second or subsequent
22 offense that occurs under section 321J.2.

23 2. A revocation under this section shall not preclude
24 a prosecution or conviction under any applicable criminal
25 provisions of this chapter. However, if the person is
26 convicted of a criminal offense under section 321J.2, the
27 revocation imposed under this section shall be superseded by
28 any revocation imposed as a result of the conviction.

29 3. In any proceeding regarding a revocation under this
30 section, evidence of the results of analysis of a specimen of
31 the defendant's blood, breath, or urine is admissible upon
32 proof of a proper foundation. The alcohol concentration
33 established by the results of an analysis of a specimen of the
34 defendant's blood, breath, or urine withdrawn within two hours
35 after the defendant was driving or in physical control of a

1 motor vehicle is presumed to be the alcohol concentration at
2 the time of driving or being in physical control of the motor
3 vehicle.

4 Sec. 3. Section 321J.4, subsection 1, unnumbered paragraph
5 1, Code 2011, is amended to read as follows:

6 If a defendant is convicted of a violation of section 321J.2
7 and the defendant's driver's license or nonresident operating
8 privilege has not been revoked under section 321J.9 or 321J.12
9 for the occurrence from which the arrest arose, the department
10 shall revoke the defendant's driver's license or nonresident
11 operating privilege for one hundred eighty days if the
12 defendant submitted to chemical testing and has had no previous
13 conviction or revocation under this chapter, except pursuant
14 to section 321J.2A, and shall revoke the defendant's driver's
15 license or nonresident operating privilege for one year if the
16 defendant refused to submit to chemical testing and has had
17 no previous conviction or revocation under this chapter. The
18 defendant shall not be eligible for any temporary restricted
19 license for at least ninety days if a test was refused under
20 section 321J.9.

21 Sec. 4. Section 321J.4, subsection 2, Code 2011, is amended
22 to read as follows:

23 2. If a defendant is convicted of a violation of section
24 321J.2, and the defendant's driver's license or nonresident
25 operating privilege has not already been revoked under section
26 321J.9 or 321J.12 for the occurrence from which the arrest
27 arose, the department shall revoke the defendant's driver's
28 license or nonresident operating privilege for one year if the
29 defendant submitted to chemical testing and has had a previous
30 conviction or revocation under this chapter, except as provided
31 in section 321J.2A, and shall revoke the defendant's driver's
32 license or nonresident operating privilege for two years if the
33 defendant refused to submit to chemical testing and has had
34 a previous revocation under this chapter, except as provided
35 in section 321J.2A. The defendant shall not be eligible for

1 any temporary restricted license for forty-five days after the
2 effective date of revocation if the defendant submitted to
3 chemical testing and shall not be eligible for any temporary
4 restricted license for ninety days after the effective date
5 of revocation if the defendant refused chemical testing. The
6 temporary restricted license shall be issued in accordance with
7 section 321J.20, subsection 2. The department shall require
8 the defendant to install an ignition interlock device of a type
9 approved by the commissioner of public safety on all vehicles
10 owned or operated by the defendant if the defendant seeks a
11 temporary restricted license at the end of the minimum period
12 of ineligibility. A temporary restricted license shall not
13 be granted by the department until the defendant installs the
14 ignition interlock device.

15 Sec. 5. Section 321J.12, subsection 1, paragraphs a and b,
16 Code 2011, are amended to read as follows:

17 a. One hundred eighty days if the person has had no
18 revocation under this chapter, except pursuant to section
19 321J.2A.

20 b. One year if the person has had a previous revocation
21 under this chapter, except as provided in section 321J.2A.

22 Sec. 6. Section 321J.12, subsection 5, Code 2011, is amended
23 to read as follows:

24 5. Upon certification, subject to penalty of perjury, by the
25 peace officer that there existed reasonable grounds to believe
26 that the person had been operating a motor vehicle in violation
27 of section 321J.2A, that there existed one or more of the
28 necessary conditions for chemical testing described in section
29 321J.6, subsection 1, and that the person submitted to chemical
30 testing and the test results indicated an alcohol concentration
31 of .02 or more but less than .08, the department shall revoke
32 the person's driver's license or operating privilege for
33 a period of sixty days if the person has had no previous
34 revocation under this chapter, and for a period of ninety days
35 if the person has had a previous revocation under this chapter,

1 except as provided in section 321J.2A.

2 EXPLANATION

3 Current law (Code section 321J.2A) provides that a person
4 under the age of 21 is subject to an administrative license
5 revocation for operating a motor vehicle with an alcohol
6 concentration of .02 or more (60 days for an initial revocation
7 and 90 days for subsequent violations under Code section
8 321J.12), regardless of whether the person is convicted of a
9 criminal offense of operating-while-intoxicated under Code
10 section 321J.2 (alcohol concentration of .08 or more). The
11 bill specifies that a license revocation that occurs under Code
12 section 321J.2A shall not be used for purposes of extending the
13 license revocation period pursuant to Code section 321J.12 for
14 a second or subsequent offense that occurs under Code section
15 321J.2.

16 The bill makes conforming changes to Code section 321J.4
17 (license revocations for persons convicted of or receiving a
18 deferred judgment under Code section 321J.2) and Code section
19 321J.12 (length of license revocations for test failures).